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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,204	06/27/2003	William Samuel Herz	NVID-057/00US	7323
23419 7590 03/20/2008 COOLEY GODWARD KRONISH LLP ATTN: Patent Group Suite 1100 777 - 6th Street, NW Washington, DC 20001				
EXAMINER NGUYEN BA, HOANG VU A				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/609,204

**Applicant(s)**

HERZ, WILLIAM SAMUEL

**Examiner**

Hoang-Vu A. Nguyen-Ba

**Art Unit**

2623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 7-14, 38-42 and 56-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-14, 38-42 and 56-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the amendment filed December 12, 2007.
2. Claims 1-3, 7-14, 38-42 and 56-60 are now pending. Claims 1 and 38 are independent claims.

#### ***Response to Amendment***

3. Per Applicant's request, Claims 1-3, 7-8, 38 have been amended; Claims 4-6, 15-37 and 43-55 have been canceled; and new Claims 56-60 have been added.
4. The objection to the drawings is withdrawn in view of Applicant's comments in the Remarks and examiner's review of the drawings filed on January 26, 2005.
5. The objection to the specification is withdrawn in view of Applicant's amendment to the specification.
6. The objection to Claim 34 is withdrawn in view of Applicant's cancellation of the claim.

#### ***Response to Arguments***

7. Applicant's arguments in the Remarks section of the amendment have been fully considered but are moot in view of the new grounds of rejection necessitated by Applicant's amendments to the claims.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-2 and 7-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,621,509 to Eiref et al. (“Eiref”).

**Claim 1**

Eiref discloses at least *a method of displaying media information, comprising:*

*generating a three-dimensional image that simultaneously displays a Electronic Program guide (EPG) information for a plurality of television channels on a first planar surface and Personal Video Recorder (PVR) information for video files (it is noted that the PVR is broadly interpreted as a set top box STP which stores EPG and video files such as advertisements, TV program clips, movies trailers that are displayed along with the EPG) on a second planar surface, the first planar surface being orthogonal to said second planar surface (see at least FIG. 7);*

*wherein both EPG (see at least FIG. 7 and 8:2-6, 13:6-9) and PVR information (see at least FIG. 7 and 8:6-8) are simultaneously displayed on different surfaces of said three-dimensional image; and*

*in response to a user input, moving said three-dimensional image to change a viewpoint of said three-dimensional image to a detailed view of one of said planar surfaces while*

*maintaining a partial view of the other planar surface to provide contextual information to facilitate a user navigating between EPG information and PVR information (see at least 8:22-39; 13:20-30).*

## **Claim 2**

The rejection of base claim 1 is incorporated. Eiref further discloses *wherein in response to a user input, one of said planar surface is rotated into a face-on view while maintaining a partial view of the other planar surface (see at least FIG. 15, step 258; FIG. 16, step 278). displaying includes displaying said first surface as a planar surface (see at least FIG. 7, e.g., “information thumbnail”).*

## **Claims 4-6 (canceled)**

## **Claim 7**

The rejections of base claim 1 and intervening claim 2 are incorporated. Eiref further discloses *wherein said second surface is moved into a face-on view (see at least 8:22-39), the method further comprising:*

*displaying objects representing drawers on said second planar surface (see at least FIGs. 4, 7, e.g., Eiref’s thumbnails are equated with the claimed “drawers” because when the thumbnail is selected, a 3D-cube similar to a drawer is shown attached to a foreground plane – i.e., second planar surface -- that is separate from the background plane showing the thumbnails),*

*responsive to a user input requesting information for a selected drawer (see at least 8:9-12),*

*opening said selected drawer orthogonally to said second surface and displaying information describing stored video files associated with said selected drawer (see at least FIGs. 4, 7).*

#### **Claim 8**

The rejections of base claim 1 and intervening claims 1, 2, 7 are incorporated. Eiref further discloses *wherein said displaying information describing stored video files comprise displaying at least one picture* (see at least FIGs. 6, 7).

#### **Claim 9**

The rejections of base claim 1 and intervening claims 1, 2, 7 are incorporated. Eiref further discloses *wherein said displaying information describing stored video files comprises: playing at least one audio file* (see at least FIGs. 4, 6, 7; it is noted that when playing a video file most likely the accompanying audio file is also played unless the “mute” option is set by the user).

#### **Claim 10**

The rejections of base claim 1 and intervening claims 1, 2, 7 are incorporated. Eiref further discloses *wherein said displaying information comprises: revealing at least one data pop-up configured for a user to obtain additional information for at least one stored video file* (see at least FIG. 7, e.g., “3D object 92”).

#### **Claim 11**

The rejections of base claim 1 and intervening claims 1, 2, 7, 10 are incorporated. Eiref further discloses *wherein said at least one data pop-up is a polyhedron*

*having a media thumbnail associated with at least one face of the polyhedron* (see at least FIG. 7, e.g., if the thumbnail represents a VCR tape,” the VCR tape content will be shown on the front face like the “live video 90” is in FIG. 7).

#### **Claim 12**

The rejections of base claim 1 and intervening claims 1, 2, 7, 10, 11 are incorporated. Eiref further discloses *rotating said pop-up to reveal a thumbnail of said polyhedron disposed on a face of said polyhedron that is initially hidden from view* (see at least 8:22-39; 13:20-30).

#### **Claim 13**

The rejections of base claim 1 and intervening claims 1, 2, 7, 10, 11 are incorporated. Eiref further discloses *wherein said data pop-up is a cube having media thumbnails associated with faces of the cube* (see at least FIGs. 4, 6, 7).

#### **Claim 14**

The rejections of base claim 1 and intervening claims 1, 2, 7, 10, 11 are incorporated. Eiref further discloses *wherein said media thumbnail is selected from the group consisting of: an audio thumbnail, a still picture, and a video clip* (see at least FIGs. 4, 6, 7 and 8:6-8).

#### **Claims 15-37 (canceled)**

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,621,509 to Eiref et al. (“Eiref”) in view of U.S. Patent No. 6,421,067 to Kamen et al. (“Kamen”).

**Claim 3**

The rejections of base claim 1 and intervening claim 2 are incorporated. Eiref does not specifically disclose *wherein an intersection of said first planar surface and said second planar surface defines an axis of rotation, the degree of rotation being selectable according to said user input to permit a user to select a face-on view of one of said planar surfaces while maintaining a partial view of the other surface.*

However, in an analogous art, Kamen discloses mapping video images from different television channels onto different faces of a polyhedron (e.g., cube) which a viewer can rotate to obtain a display of what is playing on various channels on the television (see at least FIG. 2\_C, items 561-563).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the technique of mapping video images onto a polyhedron which can be rotated taught by Kamen to Eiref teachings because this



would give a user of Eiref teachings the capability of rotating Eiref's cube to a degree chosen by a user.

12. Claims 38-42 and 56-58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,662,177 to Martino et al. ("Martino") in view of U.S. Patent No. 6,621,509 to Eiref et al. ("Eiref").

### Claim 38

Martino discloses at least *a method of displaying media information, comprising:*

*generating a three-dimensional image having a curved surface for displaying electronic program guide (EPG) information (FIGs. 4-9);*

*displaying (EPG) information arranged on a circumference of said curved surface of said three-dimensional image, the information mapped to the curved surface in a model space such that each individual information has an apparent size to a user that depends upon an orientation (see at least FIGs. 4-9); and*

*in response to a user input, rotating said three-dimensional image to bring a selected region of interest of the curved surface into a face-on view to display program information of interest (see at least FIGs. 4-9).*

Martino does not specifically disclose that the displayed information is *media thumbnails*.

However, in an analogous art, Eiref discloses that information displayed in a three-dimensional thumbnail can be live video of EPG (see at least FIG. 7, "live video 90").

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Eiref with Martino because Eiref's display of

media thumbnail on a wheel-type or curved graphic interface would improve the versatility of Martino teachings.

The combination of Martino-Eiref does not specifically disclose:

*the level of detail displayed in each media thumbnail depending on its apparent area such that media thumbnails brought into a face-on view have the highest level of detail whereas media thumbnails with the smallest apparent area display the lowest level of detail.*

However, this feature is deemed inherent to the teachings of Eiref since Eiref discloses that detailed information can be displayed on one of the size of the cube (FIG. 7, item 112). If detailed information such as EPG information is to be displayed in a face-on view (FIG. 7, figure in the upper right corner) then it makes sense that the detailed information has the highest level of detail than the face displaying "info" (right-side of the cube in FIG. 7, upper right corner figure) because the face-on view has a larger area which can display more information. Without this capability, Eiref would not be able to display "detailed information" 112 such as EPG information.

### Claim 39

The rejection of base claim 38 is incorporated. The combination Martino-Eiref further discloses *wherein said three-dimensional image comprises a cylinder* (Martino; FIGs. 4-9) *and a video fill buffer* (Eiref; FIG. 6, video capture and frame buffer) *is mapped onto said cylinder* (Martino; FIG. 4-9).

### Claim 40

The rejections of base claim 38 and intervening claim 39 are incorporated. The combination Martino-Eiref further discloses *in response to a user input, rotating said cylinder to reveal program information* (Eiref; see at least 8:22-39; 13:20-30).

#### **Claim 41**

The rejection of base claim 38 is incorporated. The combination Martino-Eiref further discloses *wherein said three-dimensional image comprises a sphere* (Eiref; see at least 8:18-21).

#### **Claim 42**

The rejections of base claim 38 and intervening claim 41 are incorporated. The combination Martino-Eiref further discloses *in response to a user input, rotating said sphere to reveal program information* (Eiref; see at least 8:22-39; 13:20-30).

#### **Claims 43-55 (canceled)**

#### **Claim 56**

The rejection of base claim 38 is incorporated. The combination Martino-Eiref further discloses *wherein a media thumbnail includes at least one picture* (Eiref; see at least FIG. 6). The combination Martino-Eiref does not specifically disclose *and at least one type of font*.

However, official notice is taken that it is well-known that close captioned information is broadcast with television programs and these close-captioned information are displayed using a type of font suitable for the television screen. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to display the close-captioned information with a type of font

along with the live video in Eiref's FIGs. 6-7 because this would be helpful for viewers with hearing problems.

#### **Claim 57**

The rejections of the base claim 38 and intervening claim 56 are incorporated. The combination Martino-Eiref further discloses *wherein a media thumbnail includes at least two types of fonts, wherein the smallest of the two types of fonts is not displayed for thumbnails having the smallest apparent area* (Martino; FIGs. 4-9, the top and bottom beads do not display any information with any type of font).

#### **Claim 58**

The rejection of base claim 38 is incorporated. The combination Martino-Eiref further discloses *wherein a small size font is displayed only for media thumbnails having a face-on view* (see discussion in Claim 38).

13. Claims 59-60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,662,177 to Martino et al. ("Martino") in view of U.S. Patent No. 6,662,509 to Eiref et al. ("Eiref") and further in view of U.S. Patent No. 6,754,906 to Finseth et al. ("Finseth").

### **Claim 59**

The rejection of base claim 38 is incorporated. The combination Martino-Eiref does not specifically disclose *generating a cursor displayed on local coordinates of said curved surface for a user to navigate the curved surface in said local coordinates.*

However, in an analogous art, Finseth teaches an EPG interface that allows displaying the above claimed features (see at least FIG. 10, item 106) for the purpose of facilitating program identification and selection (see at least 1:22-25).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Finseth in that of Eiref for the same discussed above, thereby alleviating the problem of requiring a viewer to go through a hierarchy of screens of categories (see at least 1:5-24).

### **Claim 60**

The rejections of the base claim 38 and intervening claim 59 are incorporated. The combination Martino-Eiref does not specifically disclose *a user using said cursor to select a media thumbnail.* However, Eiref discloses that a user can select a thumbnail (e.g., with a remote controller or any well-known input device) when the item to be selected is indicated with a cursor as discussed in Claim 59. As for the claimed *in response to a user using said cursor to select a media thumbnail displaying a low level of detail, rotating the selected media thumbnail into a face-on view displaying a higher level of detail,* see discussion in Claim 38.

***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2600 Group receptionist (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/

Primary Examiner, Art Unit 2623

March 15, 2008